

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN PART OF WATER APPROPRIATION A-17841

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-17841 is held by Cleo B. Karnes.
2. A search of the records of the Cedar County Register of Deeds indicates the land appurtenant to appropriation A-17841 includes the name of an owner that is different than the owner listed in Department records. This owner is the Cleo B. Karnes and Joyce E. Karnes Family Funnel Trust, Cleo B. Karnes and Joyce E. Karnes, Trustees.
3. Appropriation A-17841 has a priority date of April 6, 2000, and authorizes the use of water for irrigation of the 59 acres of land described below. The water may be diverted from a tributary to East Bow Creek at a point of diversion located on the stream the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 30 North, Range 3 East of the 6th P.M. in Cedar County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 70 acres irrigated at a maximum rate of 0.85 cfs.

Township 30 North, Range 3 East of the
6th P.M. in Cedar County Acres

Section 16: NW $\frac{1}{4}$ NW $\frac{1}{4}$	18
NW $\frac{1}{4}$ NE $\frac{1}{4}$	6
NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>35</u>
TOTAL	59

4. On February 6, 2015, Cleo B. and Joyce E. Karnes, Trustees of the Karnes Family Funnel Trust, filed relinquishment REL-5298, relinquishing the right to divert water under a portion of appropriation A-17841 to irrigate the 18 acres of land described below.

Township 30 North, Range 3 East of the
6th P.M. in Cedar County Acres

Section 16: NW $\frac{1}{4}$ NW $\frac{1}{4}$	18
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IT IS HEREBY ORDERED:

- Township 30 North, Range 3 East of the
6th P.M. in Cedar County Acres

2. Appropriation A-17841 now authorizes the appropriator to divert water from a tributary to East Bow Creek to irrigate the 41 acres of land described below and depicted on map number 19133 which is made a part of this Order. The point of diversion remains in the NW¹/₄NE¹/₄ of Section 16, Township 30 North, Range 3 East of the 6th P.M. in Cedar County, as depicted on map number 19133. Water diverted shall not exceed the ratio of one cfs for every 70 acres irrigated at a maximum rate of 0.59 cfs (265 gallons per minute).

Township 30 North, Range 3 East of the
6th P.M. in Cedar County Acres

Section 16: NW $\frac{1}{4}$ NE $\frac{1}{4}$ 6
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 35

4. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following:

- A. Notify the Department of any change in ownership or address.
- B. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
- C. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

Failure to comply with all laws and regulations pertaining to surface water appropriations and any orders issued by the Director of the Department of Natural Resources may result in the cancellation of the appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use a portion or all of a perfected appropriation for more than five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations. If you are not able to divert sufficient amounts of water, you may call for water by contacting your local field office.

DEPARTMENT OF NATURAL RESOURCES

June 26, 2015



James C. Schneider, Ph.D.
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order and map number 19133 were provided to the Department's field office in Norfolk, Nebraska. Copies of this Order and map number 19133 were mailed on June 26, 2015, to the following:

Cleo B. & Joyce E. Karnes
Trustees of the Cleo B. Karnes and Joyce E. Karnes Family Funnel Trust
87992 Highway 57
Hartington, Nebraska 68739